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Via ECF:

The Honorable Sarah L. Cave, U.S.M.J.

United States District Court

Southern District of New York

500 Pearl Street, New York, NY 10007

Re: *Bose v. Young Adult Institute, Inc.*;
Case No: 1:23-cv-00496-VSB-SLC

Dear Judge Cave:

We are counsel to Plaintiffs. We write to inform the Court of a discovery dispute and request an informal conference under Local Civil Rule 37.2 and Your Honor's Individual Rules and Practices in Civil Cases, Section 2(C). On October 19, 2023, in accordance with the Order, dated October 2, 2023 (Dkt. No. 42), the parties met and conferred telephonically regarding discovery disputes. Plaintiffs' counsel Robert Kansao and Defendant's counsel Ian-Paul Poulos appeared for the meet and confer. The following disputes remain and require Court intervention:

- Disputed Interrogatory Requests: 3, 4, 5, 7, 10
- Disputed Document Demands: 1, 2, 3, 4, 5, 7, 9, 10, 11, 13, 15, 25, 27

Defendant's Responses to Plaintiffs' Interrogatories and Defendant's Responses to Plaintiffs' Document Requests are attached as **Exhibits A** and **B**, respectively.

INTERROGATORIES

- ***Interrogatory Request No. 3 (Identification of Human Resources Managers) and Interrogatory Request No. 4 (Identification of Payroll Personnel)***

This information is within the scope of Local Rule 33.3 as it relates to the seeking of names of witnesses with knowledge of information relevant to the subject matter of this action. The identification of these individuals is required as they are witnesses with knowledge of procedures, which Plaintiffs allege violated the FLSA and NYLL, such as Defendant's improper pre-clock-in COVID screening. Further, payroll personnel will have knowledge regarding clock-in procedures, compensation, managerial review of clock-ins, and alleged clock adjustments.

- ***Interrogatory Request No. 5 (Identification complaints alleging wage violations)***

Defendant's objections to providing information as to complaints, both internal and external, is inappropriate. This information is relevant to ascertain Defendant's knowledge and willfulness and may lead to further discoverable information. Despite objection, the material is under Defendant's sole custody and control, and there is no "more convenient, less burdensome, and/or less expensive source[.]" This information is also within the scope of Local Rule 33.3 as it seeks identification of the existence, custodian, location and general description of documents.

Plaintiffs' request for a discovery conference (ECF No. 44 (the "Request")) is GRANTED. The Court will address the issues raised in the Request at the telephone conference scheduled for November 3, 2023. By **November 2, 2023**, Defendant shall file a letter responding to the issues raised in the Request.

The Clerk of Court is respectfully directed to close ECF No. 44

SO ORDERED 10/31/2023


SARAH L. CAVE
United States Magistrate Judge